

RITCHIE MUST PAY.

(Continued from Page 2.)
 in provisions of its contract. Costs in the case, amounting to a large sum, will be charged against the Topeka contractor.

The Ritchie case has attracted much attention in Topeka and has dragged through the courts for more than six years.

No Chiropractic Board—Now.

Governor Hodges cannot appoint a Kansas chiropractic board of examiners until the chiropractors comply with the Kansas medical law. This was the decision of the Kansas supreme court today in refusing to grant a writ of mandamus to compel the governor to appoint the board as asked for by the chiropractors. The law provides that anyone to practice medicine, osteopathy or chiropractic in Kansas must pass the same examination in physiology and anatomy, hygiene and systematology required of the ordinary medical and surgical practitioner.

The chiropractors have not complied with this requirement of the law and until they do there are none eligible to appointment on the board. The law creating the board provides that the membership shall be made up of those practicing chiropractic for at least two years. As none had complied with the law regarding the examination the practice for two years was illegal and therefore the governor would be appointing self-confessed violators of the law to enforce the law. The supreme court says that this is not an insurmountable obstacle because a chiropractor could take the examination required and be eligible to appointment even though he still could be prosecuted for his illegal acts previous to the examination. The supreme court suggests to the chiropractors who want this board that they should go ahead, take these examinations and then apply for the appointment.

Writes New Election Laws.

In deciding an election contest today the supreme court handed down several important rulings concerning the marking of ballots, which will apply to the new Massachusetts ballots as well as to the old form.

Some of the ballots in question in this case when delivered to the voters had printed on them horizontal marks in the middle of the squares at the right of the names of the candidates. Some of the voters completed cross marks by drawing a line across the printed horizontal marks. The court held that the defect from the printing and preparation of the official ballot, and that there was nothing to show a fraudulent purpose, and ordered the votes counted.

Some voters wrote the name of Theodore Roosevelt, which was the name of a candidate, in the blank column under the head of presidential electors, and placed cross marks in the squares opposite. The court held that these ballots were not invalid as regards other candidates whose names were legally marked. In one case an absent voter cast his vote in a senatorial and also in a congressional district in which he did not reside. A ballot printed for the congressional district was delivered him and he struck out the designation second and substituted the word first; he also crossed out the word sixth, which designated the senatorial district. The court ordered this ballot counted, holding that these changes were made to make the ballot furnish to him applicable to his needs, and to adapt it to the district in which it was to be counted.

The changes in question were made to that end, said the court, and not for identification or for other wrongful purpose.

Jessie Campbell was elected county clerk of Brown county over John E. Mathewson on the face of the returns of the election showing a majority of eighteen for her. The canvassing board gave her a certificate, but Mathewson brought a contest. The contest court threw out enough votes to give Mathewson the office. The supreme court held that the votes thrown out were legal and should have been counted, giving Miss Campbell the office by a majority of seven.

New Death Statement Rule.

Kansas rules of evidence as affecting the admission of dying declarations was made more expansive today by a ruling of the supreme court to the effect that such statements shall not be necessary to homicide cases. The decision was rendered by the court in reversing a decision of the Shawnee county court in the case of J. W. Thurston as executor of the estate of John Runyon against Frank Fritz and Alonzo Beal.

Fritz and Beal bought a farm owned by Runyon. The property was valued at from \$4,500 to \$5,000. The transfer record showed that the sale was for "\$5 and other valuable considerations." Fritz paid Runyon \$3,000, the evidence showed. Runyon went to Europe, returned home sick and was much of the time under the care of a trained nurse. He sent Fritz several letters and tried to bring about a final settlement. Just before his death in August, 1910, Runyon made a dying declaration in the presence of witnesses in which he set forth the purported facts about the sale of his farm. In the suit by the executor to recover the money claimed on the sale of land, the court refused to admit the dying statement. The supreme court today reversed the case.

"The rule that dying declarations are admissible only in criminal cases (and those involving homicide) is without reasonable basis," says the court, "and should not longer be followed."

Must Pay Reward.

According to a decision handed down by the Kansas supreme court today, a person who discovers the perpetrator of a crime, and the evidence by which he can be convicted, may be entitled to a reward offered for the arrest and conviction of the offender, even although having the power to make the arrest himself, he omits to exercise it, and permits someone else to take the defendant into custody.

The board of county commissioners of Wyandotte county offered a reward for the arrest and conviction of the person who had committed a murder. J. W. Elkins, who was at that time a "special and nonpay" deputy sheriff, brought action against the board for reward, asserting that he had met the conditions. H. T. Zimmer, chief of police, set up a conflicting claim. The petition recites that Elkins learned of the offer of the reward, began an investigation of the case. By talking with a man named James McMahon he induced him to produce and turn over some articles, including a gun, which were hidden in a cornfield. He told the sheriff of this, stating that McMahon was the guilty person. The sheriff directed the undersheriff and Zimmer to send and get him. McMahon was arrested, and on being confronted with the articles found in the field, confessed.

Zimmer got judgment for the reward when the conflicting claims were tried, but it was reversed on appeal. Under a new trial judgment was again rendered in favor of Zimmer, and Elkins appealed to the supreme court, which today reversed the lower court and ordered a new trial.

Echo of Hotel Fire.
 An echo of the old Oxford hotel fire came from the supreme court today when the court refused to consider an appeal by the Little M. Roe case against Mrs. Rose Snattinger, owner of the hotel. Mrs. Roe was awarded \$100 damages for the death of her son in the fire. An appeal was taken to the supreme court, but that tribunal today refused to consider the case and recognized a motion to dismiss the appeal on the grounds that the court did not have jurisdiction in cases involving \$100 judgments.

All or Nothing, Court Says.
 The third reversal for today of the Shawnee county district court, in the case of E. Hart against L. E. Gertson company, involving the payment of a salesman's commission, was affirmed today for \$400 on a contract. The jury gave him judgment for \$420 and the court set aside the judgment and awarded \$400. An appeal was taken on the grounds that Hart was entitled to all or none of his commission, and the supreme court affirmed the decision of the trial court.

Nothing for Mashed Finger.
 Anastasio Palomino, a Mexican, gets nothing for a finger which was mashed when he was engaged in the loading of a flat car for the Santa Fe. Palomino sued for \$3,000 in the Shawnee county court. The court sustained a demurrer and the Mexican appealed. The supreme court affirmed the decision of the trial court.

WOMAN GENERAL LEADS ARMY MOBILIZING IN U. S. FOR THE INVASION OF ENGLAND



Commander Eva Booth.

Led by a woman, Commander Eva Booth, the largest floating army that ever crossed the Atlantic ocean eastward will set sail from New York on May 30 for England. The army will be composed of 700 members of the Salvation Army of America, and they go to attend the international congress of that organization in London next June.

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SUPREME COURT DECISIONS

BY JOHNSTON, C. J.

Mary E. McDanel, appellee, vs. John Whalen, et al., appellants; appeal from Saline county. Affirmed.

The National Supply company, a corporation, appellee, vs. United Kansas Portland Cement Co., et al., appellants; appeal from Allen county. Affirmed.

Anastasio Palomino, appellant, vs. The A. T. & S. F. Ry. Co., appellee; appeal from Shawnee county (Div. 1). Affirmed.

H. E. Osburn, appellant, vs. Mrs. L. M. Addington, et al., appellees; appeal from Greenwood county. Affirmed.

John Ritchie, appellant, vs. The City of Topeka, etc., appellee; appeal from Shawnee county (Div. 1). Modified by striking from judgment the award of \$2,000 as liquidated damages, and as modified affirmed.

John E. Mathewson, appellee, vs. Jessie Campbell, appellant; appeal from Brown county. Reversed and remanded with directions to enter judgment in favor of Jessie Campbell.

BY BURCH, J.

The Bowles Live Stock Commission Co., appellant vs. George H. Tate, Jr., et al., appellees; appeal from Kearny county. Affirmed.

Eva M. Riggs, et al., appellees, vs. James A. Riggs, appellant; appeal from Allen county. Affirmed.

BY MASON, J.

C. C. Epp, appellee, vs. Charles R. Hines, et al., appellants; appeal from Harvey county. Affirmed, subject to a new trial upon one issue.

J. W. Elkins, appellant, vs. The Board of County Commissioners, Wyandotte county (Henry T. Zimmer, intervenor), appellees; appeal from Wyandotte county (Div. 1). Reversed.

and new trial ordered.

P. E. Hussey, appellant, vs. Calvin J. Michael, et al., appellees; appeal from Sedgewick county (Div. 1). Affirmed.

Antone F. Olson, a minor, etc., appellee, vs. The Lindberg Mercantile Co., appellant; appeal from McPherson county. Affirmed.

Annie Harbert, appellee, vs. The Kansas City Elevated Ry. Co., appellant; appeal from Wyandotte county (Div. 1). Affirmed.

The State of Kansas, appellee, vs. S. E. Adams, appellant; appeal from Barton county. Affirmed.

BY SMITH, J.

The Northern National bank, appellant, vs. The Webster Refining Co., et al., appellees; appeal from Allen county; (on rehearing). Affirmed.

J. M. Gille, appellee, vs. D. R. Emmons, admr., etc., appellant; appeal from Wyandotte county (Div. 2). Affirmed. (Burch, J., and Johnston, C. J., dissenting.)

W. E. Barker, appellee, vs. Walter Denning, et al., appellants; appeal from Cowley county. Affirmed.

L. A. Rhees, appellee, vs. C. M. Coe et al., appellants; appeal from Johnson county. Affirmed.

Carrie Wood, appellee, vs. Bank of Whitewater, appellant; appeal from Butler county. Reversed and remanded with instructions to render judgment for appellee.

Little M. Roe, appellee, vs. Moses Snattinger et al., appellants; appeal from Shawnee county (Div. 2). Motion to dismiss sustained. Appeal dismissed.

S. F. Bowser & Co., etc., appellant, vs. A. C. Bathurst, appellee; appeal from Dickinson county. Affirmed.

BY PORTER, J.

Anna M. Thomas, appellant, vs. The Board of Co. Commrs., Ellis Co., appellee; appeal from Ellis county. Affirmed.

Edith Morgan, appellant, vs. The U. P. Ry. Co., appellee; appeal from Riley county. Affirmed.

C. L. White, appellee, vs. The C. R. I. & P. Ry. Co., appellant; appeal from Butler county. Affirmed. (Porter, J., specially concurring.)

Louise Leroy, appellee, vs. The M. K. & T. Ry. Co., appellant; appeal from Cherokee county. Affirmed.

E. Hart, appellee, vs. The Gerretson Co., appellant; appeal from Shawnee county (Div. 1). Reversed and remanded for a new trial.

James Reeves, appellee, vs. A. T. Ryder, clerk of School Dist. No. 107, Crawford county, appellant; appeal from Crawford county. Affirmed.

State of Kansas, appellee, vs. Walter Mounkes, appellant; appeal from Lyon county. Reversed and remanded for a new trial.

BY BENSON, J.

C. B. Way, appellant, vs. J. W. Bronston, appellee; appeal from Finney county. Reversed and remanded for further proceedings.

Ida M. Kemp, appellee, vs. The C. R. I. & P. Ry. Co., appellant; appeal from Butler county. Affirmed.

John Hoffman, et al., appellees, vs. The Leavenworth Light, Heat and Power Co., appellant; appeal from Leavenworth county. Affirmed.

Matthews, appellant; appeal from Sumner county. Reversed and remanded with directions to enter judgment for defendant.

Eugene Bauman, appellant, vs. U. G. Mason, et al., appellees; appeal from Johnson county. (Memorandum) Quere as status of appeal; time allowed for briefs.

Richard A. Stephenson, appellee, vs. Nelson M. Patten, appellant; appeal from Chase county. Affirmed.

Charles W. Stark, et al., appellants, vs. Casper D. Shields, et al., appellees; appeal from McPherson county. Affirmed.

J. A. Simmons, et al., appellees, vs. Claude Shaw, appellant; appeal from Chase county. Affirmed.

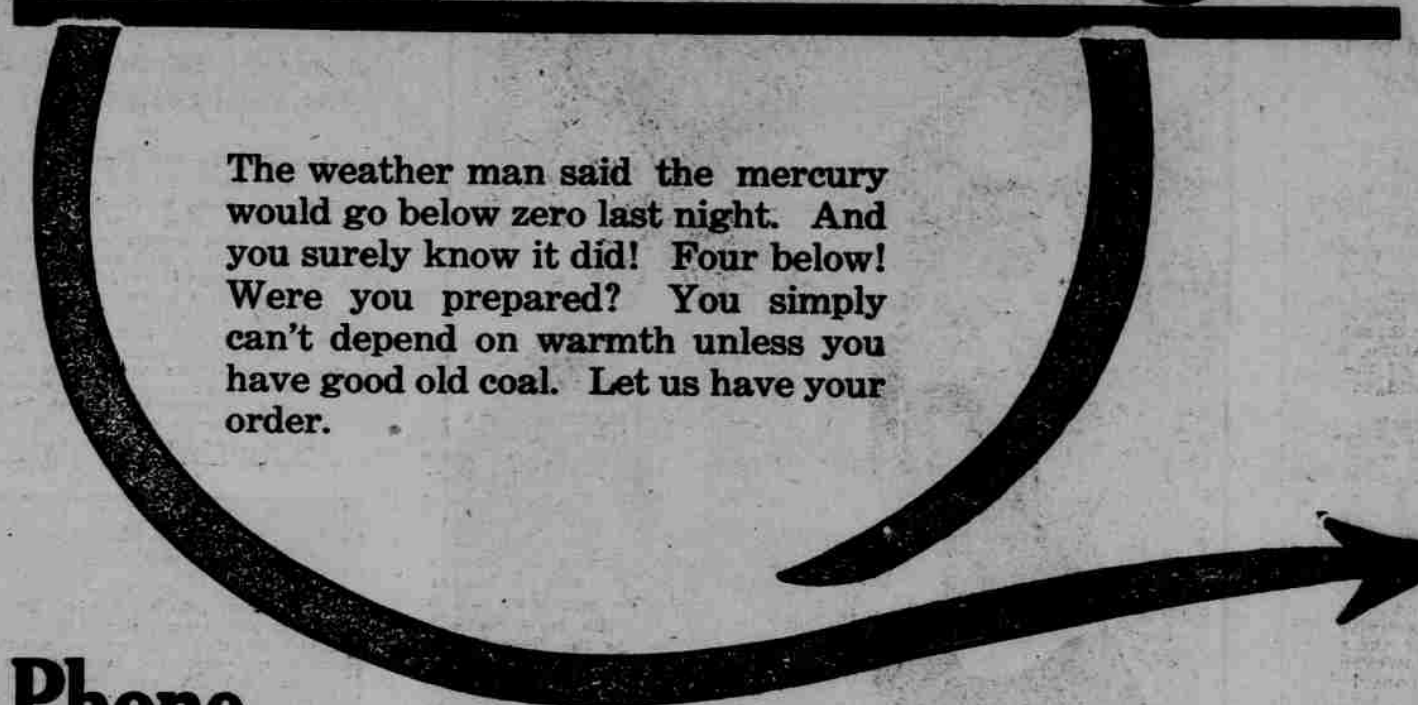
Oliver I. Smith, appellant, vs. P. D. Schriver, et al., appellees; appeal from Chase county. Reversed and remanded for further proceedings.

State of Kansas, appellee, vs. Arthur H. Ling, appellant; appeal from Butler county. Affirmed.

A. C. Richardson, appellee, vs. W. L. Renner, appellant; appeal from Graham county. Affirmed.

State of Kansas, appellee, vs. Fred B.

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The weather man said the mercury would go below zero last night. And you surely know it did! Four below! Were you prepared? You simply can't depend on warmth unless you have good old coal. Let us have your order.

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& P. Ry Co., appellant; appeal from Smith county. Reversed and remanded with directions to enter judgment for defendant. Benson, J., Mason, J., and West, J., dissenting.

Fred Schmidt, appellee, vs. the Kansas City Western Ry. Co., appellant; appeal from Leavenworth county. Affirmed. (Porter, J., dissenting.)

Ezra C. Voth, appellee, vs. Frank Schoonover, et al., appellants; appeal from Kingman county. Affirmed.

C. E. Sile, appellee, vs. the Kansas City Southern Ry. Co., et al., appellants; appeal from Crawford county. Modified; judgment so far as it affects Claude Lovinger reversed; but as to Sorrenson and the railway company affirmed.

George H. Hodges, governor, etc., defendant, original proceeding in mandamus. Writ denied.

BY WEST, J.
 John Hoffman, et al., appellees, vs. The Leavenworth Light, Heat and Power Co., appellant; appeal from Leavenworth county. Affirmed.

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A. C. Richardson, appellee, vs. W. L. Renner, appellant; appeal from Graham county. Affirmed.

State of Kansas, appellee, vs. Fred B.

LOCAL MENTION.

Safety razor blades sharpened better than new, 25c-35c doz. Brunt Drug Co.—Adv.

The Sons and Daughters of Justice, council No. 5, will give an entertainment and dance Monday evening at their hall for members and friends. Roy Hoover, Pres.; Irene Mills, Sec.—Adv.

Read the State Journal.

LATE PICTURES FROM PANAMA SHOW RAPID PROGRESS ON CANAL



Top, fleet of dredges in Panama canal. Bottom, waters rushing through Gatun spillway.

The latest photographs to reach this country from the Panama canal zone show Uncle Sam's great waterway nearing completion.

In one of the accompanying pictures are seen the seven dredges of the ladder, section and dipper type which have practically completed their task of removing the last obstruction from the canal. This view looks north from the Cucuracha slide past Gold and Contractors hills, and gives a particularly good idea of what the 150-foot channel looks like.

The other photograph (looking toward the Atlantic) gives a view of the rushing water let loose from the spillway at Gatun, where it had for so long a time been held in check by immense steel gates. The seven big

gates which had held the water back until all was in readiness for the flooding of this section of the canal have been raised, and where but a few days ago there was no semblance of water there is now a raging river held at the home of its parents, Mr. and Mrs. Jay Van Houten, at 615 West street. Interment will be in Mt. Hope.

John W. Stearns, colored, aged 29, died last night at St. Bernard hospital of stomach trouble. He lived on Norris street. The funeral will be held at the Second Baptist church, at Third and Quincy streets, at 2:30 o'clock Monday. Interment in Mt. Auburn cemetery.

Two full blooded White Rock cockerels from A. A. Peters (Vice Pres. A. P. A.) prize winning birds, 244 N-1.

LOST—Ladies gold watch and chain. Return to 411 East Fourth. Reward.

FOR RENT—Nine room modern dwelling complete, furnace, bath, electricity and gas; also good barn. 7th West 8th. Apply at 615 West 8th. Phone 62.

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 Oldest and Largest Bank in Topeka
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Money to Loan
 THE SHAWNEE BUILDING AND LOAN ASSOCIATION offers an easy way to buy a piece of property or build a house and pay for it monthly, just like paying rent. When you are down town call at 115 West Sixth Street and ask them to explain their plan. It is simple as a one-word primer.

TOO LATE TO CLASSIFY.
 TWO full blooded White Rock cockerels from A. A. Peters (Vice Pres. A. P. A.) prize winning birds, 244 N-1.

LOST—Ladies gold watch and chain. Return to 411 East Fourth. Reward.

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DEATHS AND FUNERALS.
 The funeral of Edwin A. Van Houten, who died Thursday in Chicago, will be held at 2 o'clock Sunday at the home of his parents, Mr. and Mrs. Jay Van Houten, at 615 West street. Interment will be in Mt. Hope.

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Omega Oil
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The first thing to do for a sprain or a bruise is to cover the hurt with a piece of flannel soaked with Omega Oil. Quick relief usually follows this simple treatment. Trial bottle 10c.